

C O U N C I L   C O M M U N I C A T I O N

TO: THE CITY COUNCIL  
FROM: THE CITY MANAGER'S OFFICE

COUNCIL MEETING DATE:  
AUGUST 16, 1989

SUBJECT: PUBLIC HEARING CONFIRMING THE COST OF WEED ABATEMENT FOR 1989 AND PROVIDING FOR  
COLLECTION

RECOMMENDED ACTION: Following the public hearing, Council adopt Resolution No. 89-105 -  
Resolution Confirming The Cost Of Weed Abatement for 1989 And  
Providing For Collection.

Council will recall that several months ago the Council initiated weed abatement proceedings on various parcels throughout the City. According to the Government Code of the State of California legal noticing, including letters to the subject property owners, publications, and postings, were made regarding the matter. Various public hearings regarding the program were conducted by the City Council.

Ultimately, the City abated weeds on the following parcels:

1. 713 South Sacramento Street, Lodi Amount \$360.00  
APN 045-240-07  
Angelantonio DeRubes  
2755 Ordway Street, NW 406  
Washington DC 20008
2. 653 East Pine Street, Lodi Amount \$295.00  
APN 043-210-46  
Thien Mai  
653 East Pine Street  
Lodi, CA 95240
3. 508 South Central Avenue, Lodi Amount \$325.00  
APN 047-342-03  
James H. Bowles  
5828 East Fairlane Road  
Acampo, CA 95220

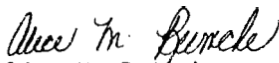
The Government Code provides that the City Council shall set a public hearing to receive a report of the cost of abatement in front of or on each separate parcel of land where the work was done by the City. The City Council set this matter for public hearing at this meeting.

Pursuant to the State Government Code, at the time fixed for receiving and considering the report, the legislative body shall hear it with any objections of the property owners liable to be assessed for the abatement. After confirmation of the report by the Council, a copy shall be forwarded to the County Assessor and Tax Collector who shall add the amount of the assessments to the next regular tax bill levied against the parcels for municipal purposes.

COUNCIL COMMUNICATION  
WEED ABATEMENT  
AUGUST 16, 1989  
PAGE 2

Notice of this hearing was published pursuant to law (see Exhibit "B" attached) and a copy of the notice was forwarded to ~~the~~ property owner under Declaration of Mailing.

Attached you will find the report of the Street Superintendent indicating the cost of the City Weed Abatement Program for 1989 (see Exhibit "A" attached).

  
Alice M. Reimche  
City Clerk

AMR/jmr

LEGAL NOTICE

NOTICE OF PUBLIC HEARING BY THE LODI CITY COUNCIL  
CALLED PURSUANT TO GOVERNMENT CODE SECTION 39576 TO RECEIVE  
A REPORT OF THE COST OF ABATING WEEDS IN FRONT OF  
OR ON EACH SEPARATE PARCEL OF LAND WHERE THE WORK WAS DONE  
BY THE CITY OF LODI

WHEREAS, the Government Code provides that the City Council shall set a public hearing to receive a report of the cost of the abatement of weeds in front of or on each separate parcel of land where the work was done by the City of Lodi; and

WHEREAS, at the time fixed for receiving and considering the report, the legislative body shall hear it with any objections of the property owners liable to be assessed for the abatement. The Council may modify the report if it is deemed necessary. The legislative body shall then confirm the report by resolution.

WHEREAS, after confirmation of the report by the legislative body, a copy shall be forwarded to the County Assessor and Tax Collector who shall add the amount of assessment to the next regular tax bill levied against the parcel for municipal purposes.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lodi does hereby set a public hearing to receive the report of the cost of City of Lodi Weed Abatement Program for 1989 to be held at 7:30 p.m. on Wednesday, August 16, 1989 in the Chambers of the Lodi City Council at 221 West Pine Street, Lodi, California.

Information regarding this item may be obtained in the office of the City Clerk at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views regarding this matter.

If you challenge the subject matter in court you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to, the Public Hearing.

By Order of the Lodi City Council

*Alice M. Reimche*  
Alice M. Reimche  
City Clerk

DECLARATION OF MAILING

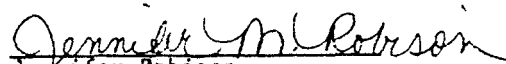
On July 25, 1989 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 25, 1989, at Lodi, California.

\_\_\_\_\_  
Alice M. Reimche  
City Clerk

  
Jennifer Robison  
Deputy City Clerk

CITY COUNCIL

JOHN R. (Randy) SNIDER, Mayor  
DAVID M. HINCHMAN  
Mayor Pro Tempore  
EVELYN M. OLSON  
JAMES W. PINKERTON, Jr.  
FRED M. RE13

CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
CALL BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 334-5634  
TELECOPIER : (209) 333-6795

8/16  
THOMAS A. PETERSON  
City Manager  
ALICE M. REIMCHE  
City Clerk  
BOB McNATT  
City Attorney

August 18, 1989

Mr. Paul Heurlin  
San Joaquin County Auditor-Controller  
San Joaquin County Courthouse  
222 East Weber Avenue, Room 103  
Stockton, CA 95202

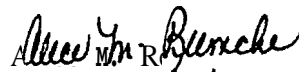
Dear Mr. Heurlin:

Enclosed herewith, please find certified copy of Resolution No. 89-105 "Resolution Confirming The Cost Of Weed Abatement For 1989. And Providing For Collection" which was adopted by the Lodi City Council at its regular meeting of August 16, 1989.

You are hereby requested to enter the assessment on the County tax roll and to collect the total amount of the assessment at the time and in the manner as other ordinary municipal taxes.

Should you have any questions, please do not hesitate to call this office.

Very truly yours,



City Clerk

AMR: jmr

cc: Robert H. Holm, Finance Director  
San Joaquin County Tax Collector  
San Joaquin County Tax Assessor

WEEDS/07  
TXTA.02J

RESOLUTION NO. 89-105

RESOLUTION CONFIRMING THE COST OF WEED ABATEMENT  
FOR 1989 AND PROVIDING FOR COLLECTION

BEFORE THE CITY COUNCIL OF THE CITY OF LODI

IN THE MATTER OF:

Resolution Confirming the Cost  
of Weed Abatement for 1989 and      RESOLUTION NO. 89-105  
Providing for the Collection on  
the Regular Tax Bill

WHEREAS, the Lodi City Council adopted Resolution No. 89-28 on March 22, 1989, electing to proceed under Government Code Sections 39501-39588 and declared a public nuisance all weeds growing upon streets, sidewalks and private property in the city; and

WHEREAS, the Lodi City Council adopted Resolution No. 89-43 on April 19, 1989 following the holding of a public hearing, and did overrule objections and determined to proceed with the abatement of weeds growing upon public ways and private property in the city; and

WHEREAS, the Street Superintendent has abated the nuisance declared by Resolution No. 89-28 and has kept an account of the cost of abatement and has submitted it to the City Council for confirmation;

NOW, THEREFORE, IT IS FOUND, DETERMINED AND ORDERED AS FOLLOWS:

(1) The City Council ordered the superintendent to abate the nuisance declared by Resolution No. 89-28 by having the weeds, rubbish, refuse and dirt removed and thereafter the superintendent entered upon private property more particularly hereafter described to abate the nuisance and the superintendent kept an account of the cost of abatement and has submitted it to the council for confirmation in the form of an itemized written report showing the cost and a copy of the report has been posted in the time and manner required by Government Code Section 39575. No objections were filed or made by the property owner liable for assessment for the abatement and the report as set forth in Exhibit "A" is confirmed.

(2) Cost of the abatement as set forth in Exhibit "A" constitutes a special assessment against that parcel and is a lien on the parcel.

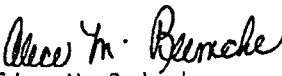
(3) The City Clerk is directed to transmit a certified copy of this resolution to the County Assessor, County Tax Collector, County Auditor, on or before September 1, 1989. The County Auditor is requested to enter the assessment on the county tax roll and to collect the total amount of the assessment at the time and in the manner as other ordinary municipal taxes, all in the manner provided by Government Code Sections 39560-39587.

Adopted by the City Council of the City of Lodi on this 16th day of August, 1989 by the following vote:

Ayes : Council Members - Hinchman, Olson, Pinkerton, Reid and Snider (Mayor)

Noes : Council Members - None

Absent: Council Members - None

  
Alice M. Reimche  
City Clerk

RES89105/TXTA.025

89-105

REPORT OF THE STREET SUPERINTENDENT, CITY OF LODI  
REGARDING COST OF CITY WEED ABATEMENT PROGRAM FOR 1989

1. Weed Abatement - 713 S. Sacramento Street, Lodi  
Parcel No. (045-240-07)

Angelantonio DeRubes  
2755 Ordway Street, NW 406  
Washington DC 20008

Amount - \$360.00

2. Weed Abatement - 653 E. Pine Street, Lodi  
Parcel No. (043-210-46)

Thien Mai  
653 E. Pine Street  
Lodi, CA 95240

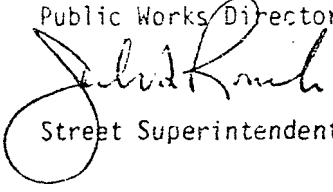
Amount - 5295.00

3. Weed Abatement - 508 S. Central Avenue, Lodi  
Parcel No. (047-342-03)

James H. Bowles  
5828 E. Fairlane Road  
Acampo, CA 95220

Amount - \$325.00

JACK L. RONSKO  
Public Works Director



Street Superintendent

Date: July 25, 1989